

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-4231

Timothy M. White,

Appellant,

v.

Robert T. Rogers, Deputy Public
Defender; Kenneth Elser, Deputy
Prosecuting Attorney; David S.
Clinger, Prosecuting Attorney; April
M. Rye, Assistant Prosecuting
Attorney; Bill Mead, Police Officer,
Green Forest, Arkansas; Jeff Webb,

Appellees.

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Appeal from the United States
District Court for the Western
District of Arkansas.

[UNPUBLISHED]

Submitted: June 21, 2000

Filed: June 29, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

Timothy M. White appeals the district court's dismissal of White's 42 U.S.C. § 1983 action arising from his arrest and prosecution in 1994. Having reviewed the record, we agree with the district court the defendant prosecutors were immune from

suit for monetary damages, see Brodnicki v. City of Omaha, 75 F.3d 1261, 1266-67 (8th Cir.), cert. denied, 519 U.S. 867 (1966), and White's public defender was not a state actor, see Polk County v. Dodson, 454 U.S. 312, 325 (1981). We also agree White's action was time-barred. See ARK. CODE ANN. § 16-56-105 (Michie 1994) (three-year statute of limitations); Wilson v. Garcia, 471 U.S. 261, 280 (1985); O'Mara v. Dykema, 942 S.W.2d 854, 858 (Ark. 1997). We affirm the district court. See 8th Cir. R. 47A(a).

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.